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PATENT

Attorney Docket No. 9052-84

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Denecke et al.

Serial No.: 09/868,434

Filing Date: January 10, 2002

For: ENHANCING PLANT PATHOGEN RESISTANCE VIA INCREASING BIP LEVELS

Confirmation No.: 1446

Group Art Unit: 1638

Examiner: A. Kubelik

November 8, 2004

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC §134, 37 CFR 1.191, and MPEP §1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the final Office Action dated May 11, 2004, at least twice rejected or finally rejecting Claims 1-7, 9-11 and 14-16.

☒ Enclosed is a check including the amount of \$340.00 for the Appeal fee as provided by 37 C.F.R. § 1.17(b).

☐ Payment by credit card is requested. Form PTO-2038 is attached.

☒ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

☒ Also enclosed: Amendment After Final

☒ The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0220.

Respectfully submitted,

Shawna Cannon Lemon  
Registration No. 53,888

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428, Raleigh, NC 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan E. Freedman

Date of Signature: November 8, 2004

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